

1 AMENDMENT TO HOUSE BILL 3216

2 AMENDMENT NO. _____. Amend House Bill 3216 by replacing
3 the title with the following:

4 "AN ACT in relation to mental health."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Community Mental Health Act is amended
8 by adding Sections 8.100, 8.102, 8.105, 8.110, 8.115, 8.120,
9 8.125, 8.130, 8.135, 8.140, 8.145, 8.150, 8.155, 8.160,
10 8.165, 8.170, and 8.175 as follows:

11 (405 ILCS 20/8.100 new)

12 Sec. 8.100. Purpose. It is the purpose of this Act to
13 prevent or avoid institutionalization of individuals with
14 mental illness or a co-occurring disorder of mental illness
15 and substance abuse. The Department of Human Services shall
16 implement, coordinate, monitor, and evaluate the CHOICES
17 program, as described in this Section and the following
18 Sections preceding Section 9, in cooperation with all
19 governmental and private resources, organizations, and
20 stakeholders. Programs shall address the needs of qualified
21 individuals, both children and adults. The CHOICES program

1 will provide cost effective, community residential
2 environments and supports to enable individuals with a mental
3 illness or a mental illness and substance abuse co-occurring
4 disorder to live successfully in the community.

5 (405 ILCS 20/8.102 new)

6 Sec. 8.102. Definitions. In Section 8.100 and the
7 subsequent Sections preceding Section 9 of this Act:

8 "Individual with a disability" means any of the
9 following:

10 (1) An individual, whether a child or an adult, who
11 has a physical or mental impairment that substantially
12 limits one or more of the individual's major life
13 activities.

14 (2) An individual, whether a child or an adult, who
15 has a record of a physical or mental impairment that
16 substantially limited one or more of the individual's
17 major life activities.

18 (3) An individual, whether a child or an adult, who
19 is regarded as having a physical or mental impairment,
20 whether the individual has the impairment or not.

21 "Mental impairment" means a mental or psychological
22 disorder or emotional or mental illness.

23 "Physical impairment" means drug addiction or alcoholism,
24 or both.

25 "Stakeholder" means an advocacy organization or service
26 provider whose mission includes advocacy for or provision of
27 quality services to individuals with a disability of mental
28 illness or a co-occurring disorder of mental illness and
29 substance abuse.

30 (405 ILCS 20/8.105 new)

31 Sec. 8.105. Implementation of program. The Department of
32 Human Services is directed to implement the CHOICES program.

1 The Department of Public Aid, the Department on Aging, the
2 Department of Children and Family Services, the Department of
3 Public Health, the Bureau of the Budget, and other State
4 agencies as appropriate shall cooperate fully with the
5 Department of Human Services in fulfilling the requirements
6 of Section 8.100 and the subsequent Sections preceding
7 Section 9.

8 (405 ILCS 20/8.110 new)

9 Sec. 8.110. Community services. In order to prevent or
10 avoid institutionalization of individuals with a disability,
11 the Department of Human Services shall implement, coordinate,
12 monitor, and evaluate community services for individuals with
13 disabilities in Illinois in cooperation with all governmental
14 and private resources, organizations, and stakeholders.
15 Programs shall address the needs of qualified individuals,
16 both children and adults, with disabilities, in the following
17 disability areas:

18 (1) Mental illness.

19 (2) Mental illness and substance abuse.

20 (405 ILCS 20/8.115 new)

21 Sec. 8.115. Implementation; program components.

22 (a) Subject to appropriations, the Department of Human
23 Services shall implement the CHOICES program for individuals
24 with a mental illness or co-occurring disability of mental
25 illness and substance abuse. The CHOICES program shall
26 consist of a program for 1,000 individuals with a disability,
27 designed to provide a system of services and supports for
28 those qualified individuals with a disability to live in the
29 most integrated community-based integrated setting. The
30 Department shall begin implementation of the program by
31 January 1, 2002, and shall implement the program statewide
32 within 4 years after the effective date of this amendatory

1 Act of the 92nd General Assembly. The Department shall
2 adopt rules for the selection of the initial program
3 participants.

4 (b) From existing funds and funds appropriated by the
5 General Assembly, the Department of Human Services shall do
6 the following:

7 (1) Develop a comprehensive plan to develop and
8 maintain a statewide system of community-based services
9 that reflect the choices and needs of individuals with
10 mental illness or a co-occurring disorder of mental
11 illness and substance abuse and their families in
12 Illinois, to prevent or avoid unnecessary
13 institutionalization.

14 (2) Carry out all functions and duties required by
15 law through collaboration with individuals with mental
16 illness or a co-occurring disorder of mental illness and
17 substance abuse, their families and guardians, community
18 organizations, and providers throughout the State.

19 (3) Facilitate or provide technical assistance to
20 community service providers in planning, developing, and
21 implementing services and supports for individuals with
22 mental illness or a co-occurring disorder of mental
23 illness and substance abuse and their families.

24 (4) Consider the needs in the field of mental
25 illness or mental illness and substance abuse and make
26 recommendations to the General Assembly and the Governor
27 for changes in the law. From funds appropriated by the
28 General Assembly to the Department of Human Services for
29 that purpose, the Secretary of the Department of Human
30 Services shall establish initiatives including, but not
31 limited to, the CHOICES program as described in Section
32 8.100 and the subsequent Sections preceding Section 9 of
33 this Act, to prevent and correct inappropriate
34 institutionalization to ensure that individuals needing

1 mental health services or mental health and substance
2 abuse services are served in the most integrated setting.

3 (c) The CHOICES program's components shall include the
4 following:

5 (1) Policies to avoid inappropriate placement of an
6 individual in an institution, including general acute
7 care hospitals, hospitals with distinct parts for
8 psychiatric care, freestanding public or private
9 psychiatric hospitals, residential treatment facilities,
10 and nursing facilities.

11 (2) Institutional pre-admission screening and
12 mandated follow up.

13 (3) A cost-benefit analysis concerning placement of
14 the person in the community.

15 (405 ILCS 20/8.120 new)

16 Sec. 8.120. CHOICES program features. The CHOICES
17 program shall include the following features:

18 (1) It shall require 1,000 additional
19 community-based integrated residential settings with
20 appropriate community supports.

21 (2) It shall create programs to train institutional
22 discharge staff treating individuals with disabilities
23 training on community-based alternatives.

24 (3) It shall require a process to inform a person
25 of all available options for his or her care before that
26 person makes a decision on his or her placement.

27 (4) It shall offer, before placement, the
28 assistance of a planning specialist who will assist the
29 person in making the move from an institution to a
30 community setting.

31 (5) It shall fund outreach activities to identify
32 persons in institutions who may wish to move. The
33 Department of Human Services shall establish the

1 qualifications of persons and or organizations who
2 perform the outreach for community-based organizations
3 funded through the program. The guardian of the person,
4 if any, must be involved with the outreach process and
5 the resident.

6 (405 ILCS 20/8.125 new)

7 Sec. 8.125. Provision of services. In accordance with an
8 individual program plan or an individual treatment plan, or
9 both, based on a comprehensive evaluation, individuals with a
10 disability may be provided the services described in the
11 Sections following this Section.

12 (405 ILCS 20/8.130 new)

13 Sec. 8.130. Comprehensive evaluation and diagnosis. An
14 individual with a disability who is applying for services is
15 entitled to receive a comprehensive evaluation and diagnosis,
16 including an assessment of skills, abilities, and potential
17 for residential and work placement, adapted to his or her
18 primary language, cultural background, and ethnic origin.
19 All components of a comprehensive evaluation must be
20 administered by a qualified examiner.

21 (405 ILCS 20/8.135 new)

22 Sec. 8.135. Individual program plan. An individual with a
23 disability is entitled to receive services in accordance with
24 a current individual program plan or an individual treatment
25 plan, or both. An individual with a disability who is
26 receiving services shall be provided periodic reevaluation
27 and review of the individual program plan or individual
28 treatment plan, or both, at least twice each year, in order
29 to measure progress, to modify or change objectives if
30 necessary, and to provide guidance and remediation
31 techniques. An individual with a disability and his or her

1 representatives have the right (i) to participate in the
2 planning and decision-making process regarding the
3 individual's program plan and (ii) to be informed in writing,
4 or in that individual's mode of communication, of progress at
5 reasonable time intervals. Each individual must be given he
6 opportunity to make decisions and exercise options regarding
7 the plan, consistent with the individual's capabilities.

8 (405 ILCS 20/8.140 new)

9 Sec. 8.140. Nondiscriminatory access to services. An
10 individual with a disability may not be denied program
11 services because of age, sex, ethnic origin, marital status,
12 ability to pay (except when contrary to law), criminal
13 record, degree of disability, or illness.

14 (405 ILCS 20/8.145 new)

15 Sec. 8.145. Family or individual support. An individual
16 with a disability must be provided family or individual
17 support services, or both, to prevent unnecessary out-of-home
18 placement and to foster independent living skills.

19 (405 ILCS 20/8.150 new)

20 Sec. 8.150. Residential choices and options. An
21 individual with a disability who requires residential
22 placement in a supervised or supported setting must be
23 provided choices among various residential options. The
24 placement must be offered in the most integrated community
25 setting possible.

26 (405 ILCS 20/8.155 new)

27 Sec. 8.155. Vocational training. An individual with a
28 disability must be provided vocational training, when
29 appropriate, that contributes to the individual's
30 independence and employment potential. This training must

1 include strategies and activities in programs that lead to
2 employment and reemployment.

3 (405 ILCS 20/8.160 new)

4 Sec. 8.160. Employment. An individual with a disability
5 has the right to be employed free from discrimination,
6 pursuant to the Constitution and laws of this State.

7 (405 ILCS 20/8.165 new)

8 Sec. 8.165. Case coordination services. An individual
9 with a disability must be provided case coordination
10 services, as appropriate.

11 (405 ILCS 20/8.170 new)

12 Sec. 8.170. Due process; judicial review.

13 (a) An individual with a disability retains the rights
14 of citizenship. Any individual aggrieved by a decision of a
15 department of State government regarding services provided
16 under this Act must be given an opportunity to present
17 complaints at a due process hearing before a hearing officer
18 designated by the director of that department.

19 (b) Any individual aggrieved by a final administrative
20 decision rendered following the due-process hearing may seek
21 judicial review of that decision pursuant to the
22 Administrative Review Law. The term "administrative decision"
23 is defined as in Section 3-101 of the Code of Civil
24 Procedure. Reasonable attorney's fees and costs may be
25 awarded to the successful plaintiff in any formal
26 administrative or judicial action under this Act.

27 (c) The right to a hearing under this Section is in
28 addition to any other rights under federal, State, or local
29 laws.

30 (405 ILCS 20/8.175 new)

1 Sec. 8.175. Transitional living assistance. The
2 Department of Human Services shall lead a coordinated effort
3 with the Department of Commerce and Community Affairs to
4 further develop housing assistance programs to promote the
5 ability of individuals to move from institutions to the most
6 integrated community residence. The program shall address
7 eligibility criteria, the period a person may receive
8 assistance, the types of housing expenses to be covered, and
9 the locations of the programs. The Department of Human
10 Services shall administer the program and may seek the advice
11 of the Department of Commerce and Community Affairs for this
12 purpose.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."